



The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-036**

April 18, 2006

Joseph Bardwell  
269 Route 10  
Gilsum, NH 03448

RE: DES Wetlands File #2006-00555 269 Route 10, Gilsum

Dear Mr. Bardwell:

On March 13, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilsum Tax Map 4056 as Lot 45 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 4000 square feet of wetland had been filled at the back of the property to create access around the building.
2. Rutting had occurred in the wetland adjacent to the fill impacting approximately 300 square feet of wetland.
3. It appeared that the fill also encroached on jurisdictional wetlands on the north side of the Property.
4. Erosion controls had not been installed and the fill had not been stabilized.

In response, you are requested to take the following actions:

1. Retain a Certified Wetland Scientist to delineate the wetland boundaries on the Property.
2. Within 60 days of issuance of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for stabilizing the fill, removing the wetland fill and restoring the wetland or submitting a permit application to retain a portion or the entire area of permittable fill on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland boundaries; and
    2. Proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  3. **Implement the restoration plan only after receiving written approval and as conditioned by DES.**
  4. Within 60 days of issuance of this Letter of Deficiency, submit a Standard Dredge and Fill permit application to DES Wetlands Bureau to retain a portion or the entire area of fill, if permissible.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over a large, bold, black "COPY" stamp.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8452 0213

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Gilsum Conservation Commission  
Gilsum Board of Selectmen  
USACOE